

# United States Senate

WASHINGTON, DC 20510

July 13, 2015

COMMITTEES:  
APPROPRIATIONS

BUDGET

HEALTH, EDUCATION,  
LABOR, AND PENSIONS

HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS

The Honorable John Thune  
Chairman  
Senate Commerce Committee  
512 Dirksen Senate Building  
Washington D.C., 20510

The Honorable Bill Nelson  
Ranking Member  
Senate Commerce Committee  
512 Dirksen Senate Building  
Washington D.C., 20510

Dear Chairman Thune and Ranking Member Nelson:

As you consider the Comprehensive Transportation and Consumer Protection Act of 2015, I urge you to include provisions to improve the safe transport of hazardous materials, including crude oil, on our nation's rails. The Comprehensive Transportation and Consumer Protection Act of 2015 is an important piece of legislation that may be attached to legislation to extend the Highway Trust Fund, which is expected to move through Congress and become law later this month. The threat from explosive derailments has materialized quickly, and this legislation should take steps to mitigate the risks associated with shipping crude oil through our communities.

The Crude by Rail Safety Act (S.859), which I co-authored, includes various provisions that would allow us to move aggressively to reduce the threat oil trains pose. Specifically, the bill requires a federal crude oil volatility standard, immediately suspends the use of unsafe DOT-111 tank cars to transport crude and ethanol, provides funding to improve rail infrastructure, requires railroads submit comprehensive oil spill response plans, and mandates a study on appropriate liability coverage for oil trains. I would encourage you to incorporate these proposals into the Committee's Comprehensive Transportation and Consumer Protection Act of 2015.

In addition, the Committee previously released an earlier version of a bill that would address hazardous materials, including crude shipped by rail. As you consider including these provisions in the Comprehensive Transportation and Consumer Protection Act you are considering this week, I'd like to share my views on these issues as well.

## **Emergency Response Information**

It is critical that the first responders charged with protecting our communities have adequate information about trains carrying hazardous materials through their jurisdictions. Railroads should be required to develop and provide real-time train data to local first responders. This data should include when and where trains are moving, and what hazardous material is in each car of the train. In the event of a derailment, time is of the essence. First responders should not have to waste precious time waiting to receive information about a train.

## **Thermal Protection on Tank Cars**

Tank car research conducted by the National Transportation Safety Board (NTSB) has shown that thermal jacketing dramatically increases the amount of time first responders have to contain a train derailment fire. Thermal protection prevents one burning tank car from creating a chain reaction and boiling liquid expanding vapor explosion (BLEVE). These dangerous explosions have been the hallmark of recent crude oil derailments. I urge the Committee to include provisions to require all tank cars carrying crude oil to be outfitted with thermal protections up to the standards provided in the NTSB's urgent safety recommendation of April 3, 2015.<sup>1</sup>

## **Comprehensive Oil Spill Response Plans**

Current rules regulating comprehensive oil spill response plans as they apply to railroads are inadequate. In order to protect the environment from the damage of an oil train spill, railroads should be required to submit comprehensive response plans to the local authorities to certify that they have the appropriate equipment to respond to a worst-case scenario spill.

## **Updated Liability Rules**

Liability coverage for railroads carrying hazardous materials is inadequate. This has been made painfully clear in the wake of the Lac-Mégantic disaster in which 47 people lost their lives. Damages from that accident will likely total upwards of \$500 million, while the railroad responsible is only insured up to \$25 million. I urge the Committee to commission a study of the necessary estimated liability coverage for railroads to insure against the risks of damages from a hazardous material train derailment.

As you consider the Comprehensive Transportation and Consumer Protection Act of 2015, I urge you to include these requests related to rail safety. My home state of Wisconsin has become one of the most heavily traveled routes for oil trains in the country. I look forward to working with you to make these changes to improve the safety of communities along oil train routes.

Sincerely,



Tammy Baldwin

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<sup>1</sup> <http://www.nts.gov/safety/safety-recs/recletters/R-15-014-017.pdf>